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Docket No. RADNT-035C

REMARKS/ARGUMENTS

The foregoing amendment and the remarks which follow are responsive to the final office action dated September 14, 2006. In that Office Action, claim 79 was rejected under 35 U.S.C. §112 as being dependent upon a cancelled claim. Also, the previously stated rejection of all pending claims was maintained under 35 U.S.C. §103 on grounds of obviousness over the combination of United States Patent No. 6,749,585 (Aliberto et al.) in view of WO2001/74263 (Diamantopoulous et al.) alone, or over such combination further in view of either WO 2001/704265 (Mooney et al.), United States Patent No. 6,117,065 (Hastings et al.) or WO 1994/01177 (Hascoet et al.).

By the present amendment, Applicant has corrected the dependency of claim 79, thereby obviating the grounds for rejection of that claim under 35 U.S.C. §112. Also, by the present amendment, minor changes have been made to clarify the language of independent claims 49 and 73. No new matter has been added. These amendments do not alter the scope of the claims in any way. Moreover, these amendments will not necessitate any further searching and do not raise any new issues. Also, it is believed that, as amended, the claims are in condition for allowance and thus entry of these amendments will eliminate the necessity for appeal. Accordingly, after-final entry of these amendments and reconsideration of the previously stated rejections is respectfully requested.

Aliberto does not teach or suggest any temperature sensor that is both "affixed to the catheter" and "moveable" [from a non-deployed position] "to a deployed position wherein it is in temperature sensing contact with blood flowing through the blood vessel", as required by Applicant's independent claims 49 and 73. On page 3 of the Office Action it is stated that Aliberto's sensor "is disclosed as a thermistor and can be disposed in a lumen of the catheter, or attached to a wire that is disposed in a lumen of the catheter, with the sensor hanging outside of the catheter." However, in embodiments where the sensor of Aliberto et al. is disposed in a lumen of the catheter, such sensor would definitely not be "moveable" from a non-deployed position to a deployed position as required by Applicant's claims. Furthermore, in embodiments where the sensor of Aliberto et al. is located on a wire disposed in a lumen of the catheter, such sensor is not "affixed to the catheter" as required by Applicant's claims. Thus, Aliberto et al. clearly does not teach or

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suggest Applicant's claimed invention where the temperature sensor is both "affixed to the catheter" and "moveable" [from a non-deployed position] "to a deployed position wherein it is in temperature sensing contact with blood flowing through the blood vessel."

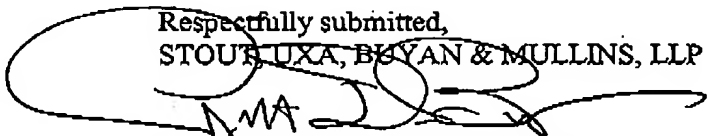
Even if the teaching of Aliberto et al. is combined with Diamantopoulos et al., the subject matter of Applicant's claims is still not rendered obvious. As the examiner recognizes, the temperature sensors of Diamantopoulos et al., when deployed, are in temperature sensing contact with the wall of the blood vessel to map localized variations in the temperature of the blood vessel wall. Thus, Diamantopoulos et al. make absolutely no teaching or suggestion of any temperature sensors that "sense the temperature of blood flowing through the blood vessel without substantial interference from heat exchange fluid passing through the catheter or from the adjacent blood vessel wall" as required by Applicant's claims.

On the basis of the foregoing arguments, entry of this amendment and issuance of a notice of allowance is earnestly solicited. The Examiner is invited to telephone Applicant's undersigned counsel to discuss any further measures that may be taken to expedite issuance of a notice of allowance in this case.

No fee is seen to be due in connection with this filing. However, the Director is hereby authorized to deduct any fee properly deemed to be due in connection with this filing from Deposit Account No. 50-0878.

Respectfully submitted,
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